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HOME DEPARTMENT

NOTIFICATION

The 27th December, 2023

No.50311—HOME-CPM-MISC-0102/2023/CP&M.—In pursuance of the provision under section 6 of the Delhi Special Police Establishment Act 1946 (Act No. 25 of 1946), the State Government of Odisha is pleased to accord necessary consent to the Delhi Special Police Establishment to exercise its powers and jurisdiction, for investigation of offences, committed by the accused Kunhu Charan Badatya (Mobile Nos. 7978788207 and 9692833199), a resident of Pandara Street, Old Brahampur, Sadar, Ganjam Odisha 760009, individually, in the State of Odisha, punishable under the provisions of Information Technology Act, 2000 and the Protection of Children from Sexual Offences (POCSO) Act, 2012, as was sought for by CBI, Special Task Branch, in respect of CBI Case No.. RC-059/2021/S/0009/CBI/STB/NEW DELHI.

As per the allegations Sh. Kunhu Charan Badatya (Mobile Nos. 7978788207 and 9692833199), a resident of Pandara Street, Old Brahampur, Sadar, Ganjam Odisha 760009, other accused persons namely Taviya Alpesh Ukabhai S/o. Sh. Ukabhai R/o Rangpur, Botad, Bhavnagar, Gujarat, Shri Vala Chiranjaykumar Manubhai S/o. Manubhai R/o Vadi Vistar Village Solai Taluka, Sutrapada, District-Gir Somnath, Gujarat -362275, Sh. Satyam Singh R/o H.No. 1206, Gali No. 3, B Block, Baba Colony, Burari Central Delhi and some others (unknown) were indulging in storing/possessing pornographic material in electronic form involving a child with an intention to share/transmit child pornography, storing/possessing pornographic material in electronic form involving a child for commercial purpose, publishing or transmitting obscene material in electronic form and collecting, seeking, browsing, material in electronic form, depicting children in obscene or indecent or sexually explicit manner etc.

The above facts, prima facie, disclose commission of offences punishable under section 67, 67B of The Information Technology Act, 2000 and under section 15 of The Protection of Children from Sexual Offences (POCSO) Act, 2012. considering the nature of allegations and its societal impact consent is so accorded, as aforesaid.

BRIEF FACTS OF CBI CASE RC-059/2021/S/0009/CBI/STB/NEW DELHI PERTAINING TO POSSESSION / CIRCULATION OF CHILD SEXUAL ABUSE MATERIAL ETC.—REG.

CBI Case RC 059/2021/S/0009/CBI/STB/New Delhi was registered on 14-11-2021 in CBI, STB, New Delhi U/s. 120-B r/w 67B of the Information Technology Act, 2000 and substantive offence thereof against 1. Sh. Shivam Singh R/o House No. 1206, Gali No. 3, B-Block, Baba Colony, Burari Delhi 110084, 2. Shri Taviya Alpesh Ukabhai S/o. Sh. Ukabhai R/o Rangpur, Botad, Bhavnagar, Gujarat 3. Shri Solanki Kunal Jentibhai S/o. Shri Jentibhai R/o Bhidiya Plot, Ghadechi Kurpa, Solanki Sheri, District Junagadh, Gujarat and other unknown persons on the basis of credible information received to the effect that a syndicate of individuals based in different parts of India and foreign countries is indulged in circulating, storing and viewing Child Sexual Exploitation Material (CSEM) through various social media platforms/groups. Such persons are disseminating CSEM by way of sharing links, videos, pictures, text, posts and hosting of such contents on social media groups/platforms and third party storage/hosting platforms. The accused persons namely Satyam Singh, user of mobile No. 9773721424 (issued in the name of FIR named accused Shivam Singh), Shri Taviya Alpesh Ukabhai user of mobile No. 8200020572 and Shri Vala Chiranjaykumar Manubhai, user of mobile No. 8849897146(issued in the name of accused Solanki Kunal Jentibhai) and other unknown persons in association/connivance with each other, are involved in publishing/transmitting Child Sexual Exploitation Material in the electronic form depicting children engaged in sexually explicit conduct and are collecting/ seeking/ browsing/ downloading /exchanging /distributing material in the electronic form depicting children in obscene or indecent or sexually explicit manner.

2. On completion of investigation, Final Report U/s. 173 Cr P C was filed against 1. Sh. Satyam Singh, 2. Shri Taviya Alpesh Ukabhai 3. Shri Vala Chiranjay kumar Manubhai for commission of offence punishable u/s 120-B r/w 67, 67B(b) of Information Technology Act. 2000, section 15(1) of The POCSO Act, 2012 and section 67B(b) of Information Technology Act. 2000 and section 15(1) of The POCSO Act, 2012

3. However, further investigation in this case has been continuing as per the provisions of section 173(8) of Cr. PC during which searches were conducted on 26th July, 2022 in the residential premises of Kunhu Charan Badatya(Mobile Nos. 7978788207 and 9692833199) Pandara Street Old Brahampur, Sadar, Ganjam Odisha 760009. During the course of searches, Mobile of Realme 7 Model No RMX3381 make bearing Nos. 7978788207 and 9692833199 and IMEI-1: 860971053371937 & IMEI-2:

860971053371929 was seized from the possession of Sh Kunhu Charan Badatya who is user of the said mobile.

4. During the course of further investigation, the Mobile bearing IMEI-1: 860971053371937, & IMEI-2: 860971053371929 of Sh Kunhu Charan Badatya was Forensically examined which revealed that said mobile contains Child Sexual Exploitation Material in electronic form depicting children engaged in sexually explicit conduct. It further revealed that Sh. Kunhu Charan Badatya shared Child Sexual Exploitation Material in a group namely "**Group Close**" to which the accused persons namely Satyam Singh, Shri Taviya Alpesh Ukabhai and Shri Vale Chiranjaykumar Manubhai, **were also members and** thereby committing the offences punishable under section 120-B IPC r/w Section 67, 67B(b) of The Information Technology Act, 2000 and Section 15(1) of The Protection of Children from Sexual Offences(POCSO) Act, 2012. That apart, chargesheet was also filed individually against the Delhi based accused Satyam Singh for commission of offences punishable under section 67B(b) of The Information Technology Act, 2000 and Section 15(1) of The Protection of Children from Sexual Offences(POCSO) Act, 2012 (as amended in 2019).

5. It is, therefore, Sh. Kunhu Charan Badatya committed the offences punishable under section 120 B IPC r/w Section 67, 67B(b) of The Information Technology Act, 2000 and Section 15(1) of The Protection of Children from Sexual Offences(POCSO) Act,2012.

By Order of the Governor
SANTOSH BALA
Special Secretary to Government